

CLOSED,INTERPRETER

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:16-mj-02672-JJO All Defendants
*Internal Use Only***

Case title: USA v. Florez Garzon

Date Filed: 05/18/2016

Date Terminated: 05/23/2016

Assigned to: Magistrate Judge
John J. O'Sullivan

Defendant (1)

Julio Cesar Florez Garzon
06358-104
Spanish 1976
TERMINATED: 05/23/2016
also known as
Tatlka
TERMINATED: 05/23/2016
also known as
Don Gustavo
TERMINATED: 05/23/2016
also known as
El Tata
TERMINATED: 05/23/2016

represented by **Scott Tully Kalisch**
228 Charlotte Street
St. Augustine, FL 32084
305-669-0808
Email: scottkalisch@bellsouth.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

21:846=ND.F Conspiracy/Pwid
Cocaine

Disposition

Plaintiff**USA**

Date Filed	#	Page	Docket Text
05/18/2016	<u>1</u>	3	Magistrate Removal of Indictment from E/D Texas Case number in the other District 4:14cr73-01(Crone) as to Julio Cesar Florez Garzon (1). (nf) (Entered: 05/19/2016)
05/18/2016	<u>2</u>	12	Minute Order for proceedings held before Magistrate Judge John J. O'Sullivan: Initial Appearance as to Julio Cesar Florez Garzon held on 5/18/2016. Date of Arrest or Surrender: 5/18/16. Detention Hearing set for 5/23/2016 10:00 AM in Miami Division before MIA Duty Magistrate. Status Conference in re:Removal set for 5/23/2016 10:00 AM in Miami Division before MIA Duty Magistrate. Spanish Interpreter present. Attorney added: Scott Tully Kalisch for Julio Cesar Florez Garzon (Digital 13:51:38) Signed by Magistrate Judge John J. O'Sullivan on 5/18/2016. (nf) (Entered: 05/19/2016)
05/23/2016	<u>3</u>	13	Minute Entry for proceedings held before Magistrate Judge Patrick A. White: Status Conference re: removal and detention as to Julio Cesar Florez Garzon held on 5/23/2016 Spanish Interpreter present. (Digital 10:07:04) (cg1) (Entered: 05/23/2016)
05/23/2016	<u>4</u>	14	WAIVER of Rule 5(c)(3)/Rule 40 Hearing by Julio Cesar Florez Garzon (cg1) (Entered: 05/23/2016)
05/23/2016	<u>5</u>	15	<p>COMMITMENT TO ANOTHER DISTRICT as to Julio Cesar Florez Garzon. Defendant committed to Eastern District of Texas. Closing Case for Defendant. Signed by Magistrate Judge Patrick A. White on 5/23/2016. (cg1)</p> <p>NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69. (Entered: 05/23/2016)</p>

9505694

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
Eastern District of Texas

16-2672-0'SULLIVAN

United States of America
v.
JULIO CESAR FLOREZ GARZON - 01
aka Tatika, Don Gustavo, El Tata

Case No. 4:14cr73-01 (Crone)

Defendant

RECEIVED
UNITED STATES MARSHAL
EASTERN DISTRICT OF TEXAS
2016 APR 11 AM 11:54

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Julio Cesar Florez Garzon,
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

21 USC 846 Conspiracy to Possess With Intent to Manufacture and Distribute Cocaine

21 USC 963 Conspiracy to Import Cocaine into the US

21 USC 959 Manufacturing and Distributing Cocaine Imported into the US

Date: 4/9/14

Issuing officer's signature

City and state: Sherman, TXDavid J. Maland, Clerk
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

IN THE UNITED STATES OF AMERICA
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

JULIO CESAR FLOREZ GARZON (1)
a.k.a. Tatika, Don Gustavo, El Tata

§
§
§
§
§
§

No. 4:14CR
Judge

[REDACTED]

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 21 U.S.C. § 846 (Conspiracy
to Possess with the Intent to Manufacture
and Distribute Cocaine)

That from sometime in or about January 2008, and continuously thereafter up to
and including August 30, 2013, in the Eastern District of Texas and elsewhere,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata



defendants, did knowingly and intentionally combine, conspire, and agree with each other
and other persons known and unknown to the United States Grand Jury, to knowingly
and intentionally possess with the intent to manufacture and distribute five kilograms or
more of a mixture or substance containing a detectable amount of cocaine, a schedule II
controlled substance, a violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

Count Two

Violation: 21 U.S.C. § 963 (Conspiracy to Import Cocaine and to Manufacture and Distribute Cocaine Intending and Knowing that the Cocaine Will Be Unlawfully Imported into the United States)

That from sometime in or about January 2008, and continuously thereafter up to and including August 30, 2013, in the Republic of Colombia, the Republic of Mexico, Eastern District of Texas and elsewhere,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata



defendants, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury, to commit the following offenses against the United States: (1) to knowingly and intentionally import five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a schedule II controlled substance, into the United States from the Republics of Colombia and Mexico in violation of 21 U.S.C. §§ 952 and 960, and (2) to knowingly and intentionally manufacture and distribute five (5) kilograms or more of a mixture and

substance containing a detectable amount of cocaine, a schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States, in violation of 21 U.S.C. §§ 952 and 960.

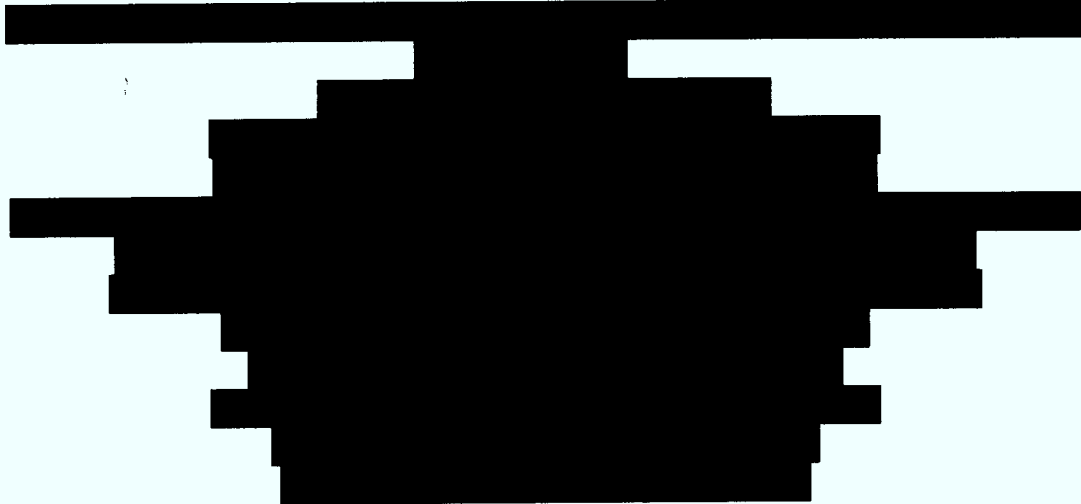
In violation of 21 U.S.C. § 963.

Count Three

Violation: 21 U.S.C. § 959 and 18 U.S.C. § 2 (Manufacturing and Distributing Cocaine Intending and Knowing that the Cocaine Will Be Unlawfully Imported into the United States)

That from sometime in or about January 2008, and continuously thereafter up to and including August 30, 2013, in the Eastern District of Texas and elsewhere,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata



defendants, did knowingly and intentionally manufacture and distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a

Schedule II controlled substance, intending and knowing that such cocaine would be unlawfully imported into the United States.

In violation of 21 U.S.C. § 959 and 18 U.S.C. § 2.

Count Four

Violation: 46 U.S.C. §§ 70503 (a) and 70506(a) & (b) (Conspiracy to Possess with the Intent to Distribute Cocaine while on board a vessel subject to the jurisdiction of the United States)

That from sometime in or about January 2008, and continuously thereafter up to and including August 30, 2013, in the Eastern District of Texas and elsewhere,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata

[REDACTED]

defendants, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury, to knowingly and intentionally possess with the intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a schedule II controlled substance, while on board a vessel subject to the jurisdiction of the United States, in

violation of 46 U.S.C. §§ 70503(a) and 70506(a) and (b) and 21 U.S.C. §§ 960
(b)(1)(B)(ii).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

From their engagement in the violation alleged in Counts One, Two, and Three of this
Indictment, the defendants,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata



shall forfeit to the United States, pursuant to 21 U.S.C. § 970, incorporating the
provisions of 21 U.S.C. § 853(a)(1) and (2), all of their interest in:

- a. Property constituting and derived from any proceeds the defendants
obtained, directly or indirectly, as the result of such violation; and
- b. Property used and intended to be used in any manner or part to commit
or to facilitate the commission of such violation.

From their engagement in the violation alleged in Count Four of this Indictment, the
defendants,

Julio Cesar Florez Garzon, a.k.a. Tatika, Don Gustavo, El Tata

[REDACTED]

shall forfeit to the United States, pursuant to 46 U.S.C. § 70507, 21 U.S.C. § 881(a), and 28 U.S.C. § 2461(c), all of their rights, titles, and interests in any property described in 21 U.S.C. § 881(a)(1) through (11), that was used or intended for use to commit, or to facilitate the commission of, such violation.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

The United States of America shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), and as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL

GRAND JURY FOREPERSON

JOHN M. BALES
UNITED STATES ATTORNEY

ERNEST GONZALEZ
Assistant United States Attorney

Date

MINUTE ORDER

Page 5

Magistrate Judge John O'Sullivan

Atkins Building Courthouse - 5th Floor

Date: 5/18/16

Time: 1:30 p.m.

Defendant: Julio Cesar Florez Garzon J#: 06358-104 Case #: 16-2672-O'SULLIVANAUSA: Dwayne Wms Attorney: Scott KalischViolation: Warr/Ind/ED-TX/Conspiracy to PWID and Manufacture Cocaine, Conspiracy to Import Cocaine Surr/Arrest Date: 5/18/2016 YOB: 1976Proceeding: Initial Appearance

CJA Appt: _____

Bond/PTD Held: Yes No

Recommended Bond: _____

Bond Set at: _____

Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docs☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

Random urine testing by Pretrial

☐ Services

Treatment as deemed necessary

☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses, except through counsel☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or

Curfew _____ pm to _____ am, paid by _____

☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: _____☐ Other: _____Language: Spanish

Disposition:

Sentenced 5/16/16 on case 12-20931-**CR-WILLIAMS** under name Gustavo**Augarita Rios - Scott Kalisch in Tampa****for Court and will return on Monday.**

Time from today to _____ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE

Date:

Time:

Judge:

Place:

Report RE Counsel: _____

PTD/Bond Hearing: 5/23 10 AMPrelim/Arraign or Removal: 6/7 10 AMStatus Conference RE: E/A 5/23 S/C Removal 5/23 10 AMD.A.R. 13:51:38Time in Court: 3

s/John J. O'Sullivan

Magistrate Judge

COURT MINUTES

Magistrate Judge Patrick A. White

Atkins Building Courthouse - 3rd Floor

Date: 5/23/16

Time: 10:00 a.m.

Defendant: Julio Florez Garzon J#: 06358-104 Case #: 16-2672-O'SULLIVANAUSA: Karen Gilbert Attorney: SCOTT KALISCHViolation: WARR/E/D/TEXAS - CONSP/IMPORT/PWID COCAINEProceeding: STATUS RE: REMOVAL/PTD CJA Appt: _____Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: PTD

Bond Set at: _____ Co-signed by: _____

☐ Surrender and/or do not obtain passports/travel docsLanguage: Spanish☐ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

Disposition:

☐ Random urine testing by Pretrial Services _____
Treatment as deemed necessary- Stop PTD w/Right to Revisit☐ Refrain from excessive use of alcohol- Sept wanted removal☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses- Sept stated that his real name is: Gustavo Augustin Rios☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or

Curfew _____ pm to _____ am, paid by _____

☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: _____☐ Other: _____

Time from today to _____ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE

Date:

Time:

Judge:

Place:

Report RE Counsel: _____

PTD/Bond Hearing: _____

Prelim/Arraign or Removal: _____

Status Conference RE: _____

D.A.R. 10:07:04Time in Court: 1 minute

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: 16-2672-O'SULLIVAN

United States of America
Plaintiff,

v.

Charging District's Case No. 4:14cr73-01 (Crone)

Julio Florez Garzon,
Defendant.

WAIVER OF RULE 5 & 5.1 REMOVAL/IDENTITY HEARINGS

I understand that I have been charged in another district, the Eastern District of Texas.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my rights to: **(check those that apply)**

- ☒ An identity hearing and production of the warrant.
- ☒ A preliminary hearing.
- ☒ A detention hearing in the Southern District of Florida.
- ☒ An identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled to in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 5/23/16

Defendant's Signature

Patrick A. White

UNITED STATES MAGISTRATE JUDGE

United States District Court
Southern District of Florida
Case No. 16-2672-O'SULLIVAN

UNITED STATES OF AMERICA,

v.

Charging District's Case No. 4:14cr73-01 (Crone)

Julio Florez Garzon,
(USM# 06358-104)

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of Texas.

SCOTT KALISCH was retained to represent Defendant for proceedings in this District.

The defendant remains in custody after the initial appearance in the Southern District of Florida.

IT IS ORDERED that the United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

DONE AND ORDERED at Miami, Florida on 5/23/16.


Patrick A. White
UNITED STATES MAGISTRATE JUDGE

RETURN		
This commitment was received and executed as follows:		
DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL